

N THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Bauerlein, Peter

Title:

NI/METAL HYDRIDE SECONDARY ELEMENT

Appl. No.:

09/909,497

Filing Date:

07/20/2001

Examiner:

Dah-Wei D. Yuan

Art Unit:

1745

Atty. Docket No.:

054821-0852 (formerly

1201-01)

Confirmation No.:

4174

CERTIFICATE OF EXPRESS MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, Washington, D.C. 20231. EV 431597862 US 03/10/04 (Express Mail Label Number) (Date of Deposit) Roberta A. Cooper (Printed Name)

REVOCATION OF POWER OF ATTORNEY BY ASSIGNEE APPOINTMENT OF NEW POWER OF ATTORNEY BY ASSIGNEE CHANGE OF CORRESPONDENCE ADDRESS

Commissioner for Patents Washington, D.C. 20231

VARTA Automotive Systems GmbH is the owner of Application No. 09/909,497 filed July 20, 2001, as evidenced by an Assignment to NBT GmbH recorded in the U.S. Patent and Trademark Office on July 20, 2001 at Reel/Frame 012020/0259 and the attached excerpt from the Commercial Register (with certified English translation) showing the transfer of ownership of NBT GmbH to VARTA Automotive Systems GmbH.

VARTA Automotive Systems GmbH, through its duly-delegated representative, hereby revokes any other Power of Attorney submitted in this Application, and hereby appoints the following registered attorneys and agents of the law firm of FOLEY & LARDNER:

| | , | |
|-------------------|----------|--------|
| SCOTT D. ANDERSON | Reg. No. | 46,521 |
| RUSSELL J. BARRON | Reg. No. | 29,512 |
| DAVID J. BATES | Reg. No. | 39,902 |
| STEVEN C. BECKER | Reg. No. | 42,308 |
| MICHAEL S. BRAYER | Reg. No. | 51,495 |
| MARCUS A. BURCH | Reg. No. | 52,673 |
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| JEAN M. TIBBETTS | Reg. No. | 43,193 |
| JOHN A. VANOPHEM | Reg. No. | 38,646 |
| JAMES A. WILKE | Reg. No. | 34,279 |
| JOSEPH N. ZIEBERT | Reg. No. | 35,421 |
| WALTER E. ZIMMERMAN | Reg. No. | 40,883 |
| | | |

as its principal attorneys to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, to transact all business in the United States Patent and Trademark Office connected therewith, and to have full power of substitution, association, and revocation, including the power to revoke the power of attorney of any associate attorney.

Please direct all future correspondence concerning this application to:

Marcus W. Sprow FOLEY & LARDNER

Customer Number: 26371

Telephone: (414) 297-5564 Facsimile: (414) 297-4900

Executed this 20th day of February, 2004.

VARTA Automotive Systems GmbH

By:

(Signature of Authorized Representative

Walther Wever General Manager By:

(Signature of Authorized Representative

Patrick Nettesheim General Counsel

| | | | <u>.</u> |
|----------------------|--|--|---------------------------------------|
| | 20 | ARTA Automative GmbH Hennover dis Harstellung, der Vertrieb sowie die Entwicklung von chemischen, elektrochemischen, elektrochemischen, elektrochemischen mit betallungischen sowie der Stromentsysteme sowie der Stromepsicherung, nementlich von Erzeugnissen aller Art, inebeart der Batteriensinger von speicherung, nementlich von Erzeugnissen auf der Vertrieb von Erzeugnissen auf der Vertrieb von Erzeugnissen auf den Gebiet des Haschiren- und Appischen gewie die Herstellung, Einzichtung, Bemirtzieben und der Hendel alt fremden und der Hendel alt fremden und der Hendel alt fremden Erzeugnissen auf den vorgenementen Gebieten. Betelligung an enderen | |
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| | Welther Hever Bersingheusen 31. Oktober 1955 | Vorstand Persönich beffende Gesellschoffer Gestig Präähefbrer Abwickler 11. Juni 1937t Dr. lur. Uwe Ganzer. Gebrden, 1957 21. Hai 1957 | |
| | Bosentprokuristen: On Jur. Hwa F.H. Onner. Gehrden geboren 21. Hei 1957; Fritz Dürkop, Hennover geboren 17. Juli 1938; Dr. Molfseng Fricke. Munatori, geboren 28. April 1957; geboren 8. Juni 1937; nr. Fila Stainhäuser. Nedemark, Seboren 22. Januar 1941; Peter Fesch, Hildenheiten, Geboren 14. Dezember 1943; | Prokura | - |
| | Ole Gasellschafterverenmlung van 7. hat 2000 het die Erhöhung des Stenmkepitels um 19.925.000 Euro gof 70.000, Euro und die Neufsenung des Gasell- Britsvertrages beschaft geschäfteichter. Dr. Ima Sanzer ist zum Geschäfteichrer bestellt. Meither Wever ist zum Geschäfteichrer bestellt. | | |
| Forbelzung Rückseite | b) Gesellscheftsvertrag Bl Sdb. | o) Tig der Em und Untersch b) Bemerkunge 17. Januar 18. 10 10 Beteiligun Ag Hennove HRA 26712 | D D D D D D D D D D D D D D D D D D D |

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| A SETTION | Die Prokura für Dr. Eika Stainhäuser Dr. Eika Stainhäuser Dr. Ing. Frank Dr. Ing. Frank Toubertz Buchholz/Nesterveld. Bechholz/Nesterveld. Bechholz/Nesterveld. Bechholz/Nesterveld. Bechholz/Nesterveld. Bechholz/Nesterveld. Bechnover. 20. Nesper 1854: Potar Sieger. Garbeen. geboren 10. Februar 1842: jeder vertritt gamein. sem mit einem 58- eohäftsführer oper einem anderen Proku- rieten. | Prokera 5 |
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|-----------------------|--------------------------------|---|---|--|---|---|--|---|------------------------------|---|--|--|--|--|--|--|---|---|--------------------------------------|--|--------------------------|-------------|-----------------------|-----------------|---------------------------|------------------|
| | | | | | | | | fields. Participation in other enterprises. | and the trading with foreign | production, installation, running or exploitation of plants and factories | of the machine and apparatus engineering as well as the | distribution of products in the field | namely of VAR A-batteries, further the production and the | systems as well as power storage, | especially of such products in the field of battery management | industrial products of all kinds, | metallurgical as well as further | | c) The fabrication, distribution and | | a) VARTA Automotive GmbH | | c) Objects of company | | | |
| - | | | | | | EUR | 20.000.000,- | | | | | | | | | | | | | | 25.000, EUR | | OM. | Capital | Original Stock or Nominal | |
| | | | | · | | born on October | Walther Wever, | | | - | | | | | 1957 | born on May 21. | Ganzer, Gehrden | <u>1937:</u> | on June 11. | Prilhofer, Hannover, born | Dr. tech. Georg | Liquidators | Managing Directors | Liable Partners | Board | |
| on December 14, 1943, | Peter Faasch, Hildesheim, born | Dr. Eike Steinhäuser, Wedemark, born on January 22, 1941; | Hinrich Kose, Hannover, born on June 8, 1937; | Dr. Wolfgang Fricke, Wunstorf, born on April 28, 1957; | Fritz Durkop, Hannover, bom on July 17, 1938; | Dr. jur. Uwe F. H. Ganzer, Gehrden, born on May 21, 1957; | Joint procuration: | | | | | | - | | | | | | | . : | | | | | Procuration | |
| | | | | | | articles of partnership have been decided on the partnership meeting on June 7, 2000. | The increase of the nominal capital by 19.975.000.:: Euro up to 20.000,000.:- Euro and the rewording of the | | | | Or, Georg Prilhofer and Dr. Uwe Ganzer are releved from the restrictions of & 181 BGB. | parties) (Telleving from the resulting of the leaves | (with himself or with himself as a representative of third | authorized signatory. A managing director can be authorized to contract legal transactions with himself | directors or by one managing director together with an | If several managing directors are appointed, the | authorized to represent solely the company. | The company has one or more managing directors. If only one managing director is appointed, he is | ; | s been established on fifted in § 5 (nominal | | | | | Legal Position | |
| | | | | | J. special volumen | b) Articles of | signature | | | | | | | HRA 26712 | AG (Joint Stock Company) Hannover | Parucipanon. | special voiding: | pages 10 ff, | partnership, | | Signature | 17 2000 | | b) Remarks | | a) Date of Entry |

| | ···· co | | | | No. Of Entry |
|---|---|--|---|--------------------------------|---|
| | | | | c) Objects of Company | a) Company b) Place of Business |
| | | 20.000.500 € | | DM | Original Stock or Nominal Capital |
| | | | | Managing Directors Liquidators | Executive Board Personally Liable Partners |
| | | | The procuration for Hinrich Kose ceased to exist. | | Procuration |
| Due to the contract of amalgamation of December 10, 2002, the company as overtaking company has been merged with the following transferred companies (amalgamation by incorporation according to § 2, no. 1, §§ 4 ff Conversion Law): NBT GmbH in Hannover (District Court, HRB 56542) VARTA Recycling GmbH in Hannover (District Court Hannover, HRB 55626). | The modification of § 3 para. 1 (financial year) of the articles of partnership has been decided on the partnership meeting of December 4, 2002. Dr. Georg Prilhofer is no longer managing director. | The increase of the nominal capital by 500,— Euro up to 20,000.500,— Euro and the modification of § 5 para. 1 (nominal capital) of the articles of partnership have been decided on the partnership meeting of October 25, 2002. | The modification of § 3 para. 1 (financial year) of the articles of partnership and further the rewording of the articles of partnership have been decided on the partnership meeting of August 27, 2002. | | Legal Position |
| a) January 20, 2003 b) Contracts of amalgamation and decision of consent pages 95 ff, special volumen | a) December 12, 2002 b) Decisions of partnership pages 70 ff special volumen | a) November 4, 2002 b) Decision of partnership pages 39 ff special volumen | a) September 2, 2002 Signature b) Decision of partnership, pages 17 ff, special volumen | | a) Date of Entry and signature b) Remarks |

| | - without fee - | | | | | |
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| | in the judicial administration of the District Court. | | | | | |
| | Hannover, March 13, 2003 Signature of the employee | (Seal) | | | | |
| | This is to certify that this copy is the complete reproduction of the registration in the comercial register. | | | | | |
| | | company. | | | | |
| | | managing director or another authorized signatory the | | | | |
| - | | Total control of the | | | | |
| | | Peter Sieger, Garbsen, born on February 10, 1942; | | | | |
| | | on November 20, 1954; | | | | |
| | | July 20, 1962; | - | | | |
| | | DrIng. Frank Toubartz. Buchholz/Westerwald, born on | | | | |
| | | Joint procuration: | | | | |
| | | Steinhauser ceased to exist | | | | |
| a) March 13, 2003 | a | | Liquidators | | | |
| | | | Directors | | | |
| b) Remarks | | | | 3 | c) Objects of Company | Entry |
| | | | Personally | or Nominal Capital | b) Place of Business | 9 |
| | Legal Position | Procuration | Executive Board | Original Stock | a) Company | _ |
| Date of Entry | u | | | | JUR DISHICL HAMILOVEI | שת |

This is to certify that the translation of this doctors from the German language is true and to fect to my best knowledge and belief.

Braunschweig, 28 May 2003

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| | | | | a) Arma b) Shiz , c) Gogenstand das Univernehmens 2 |
| | | | | Grund- oder Sanza- kapital DM |
| Johann-Friedric Dempwolff, gab. um 9. Februar 1987 Langanhagan | | Pater Pesach, geb, am JA. Dezembag 1943 Hildmehafal Burgerich Friedrich Friedrich Friedrich Friedrich Friedrich Friedrich Friedrich Friedrich | | Vorstend Persüeltek hoftende Gezellich offen Grich Strijthrer Abertükler |
| | Dis Proturer for Directors Protuce Protuce Protuce Prioto | Potor Peasch und Dr. rett nat. Robert Priedrich sind brisschen. | Dr. rer. net. Robert Priedrich, Burguedel, Geburen 31. Rugust 1942; Jedar variritt gemein sem mit einem te- einem enderen preku- risten, | Prokura |
| Johann-Friedrich Dempweiff let bestellt. | | Peter Passch-und Dr. ter. net zu Gasch#ftaführern bestellt. | | Rechtverhälinkso |
| lch Dempwolff let zum Geschäftsführer | e) | Robert Friedrich eind | | |
| e) 25. Marz 2002 | 3. Januar 2002 | m) 28. Juni 2003 | | HR B 58296 1) Tog der Eintragung und Unterschrift b) Bemerkungen |

| RS 197 Randium Review (many u.17) | | 20 000 500 g | Die Prokurs für Hannach Kees 18t erloschen. | J. Sitz |
|-----------------------------------|---|---|--|--|
| Fortsetzung Philosip | Auf Grund der Verschmelzungsverträge vom 10. Dezember 2002 ist die Gesellschaft bis Oberhehmende Rasellschaft (Verschmelzungwdurch Aufnehmen Beellschaften verschmelzen (Verschmelzungwdurch Aufnehme nech § 2 Nr. 1, §§ 4 ### Umwendlungsgesetz); NBT GmbH in Hennover (Amtegericht Hennover, HRB 58542); VARTA Recypling GmbH in Hennover (Amtegericht Hennover, HRB 58528). | Die Resellschaftervereenmlung von 25. Oktober 2002 het e) 4. Wovember 2002 die Erhöhung des Stemmkepitele um 500, Euro auf 20.000.500, Euro und die Anderung des Gesellschafts- b) Gesellschafts- vertrages in § 5 Absetz 1 (Stemmkapitel) beschlossen. b) Gesellschaftel beschluss (B1, 39, 4 Sdb. | Die Gesellechafterverseumlung vom 27. August 2002 het e) 2. September 2002 die Huissung vom 17. August 2002 het e) 2. September 2002 die Huissung vom 18. August 2002 het e) 3. September 2002 die Huissung des beschieben von die Heufsesung des beschieben beschieben. | Rachbverbältnisse HRB 5A296 O) Tag der Einfragung und Untwerschifft b) Bemerkongen |

| ÷ | Nr. a) Arma Graed- der b) Silz Stenme Ein- Ein- b) Silz Stenme c) Segestand des Valernehmens kapfted yung |
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| Ute Prokuren für Stephen Garbe sind scheen. Geemtprokurieten: Geemtprokurieten: Patrick Wetteeheim. geb. em 15. denuer 1963, Hannover: Noifrem Feverheke, geb. em 15. denuer 1960, Springe: Dr. Uwe Kühler, geb. am 9. Dktober 1963, Kdesell. Sie vertreten jewelle gemeineem mit einem 9. Dktober 1963, Kdesell. Sie eind von den 8e- enen endaren Proku- rieten. Sie eind von den 8e- enherteten der 9 181 Bel befreit und Rünnen infolgedessen die Gesellecheften mit einem die Gesellecheften die Gesellecheften mit einem oder mit einem durch ihn vertreten. | Prokwa |
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| | | Vorstand Perstalkin hofteinde Gesellschaftei, Geschäfteführer Abwicklar |
| | | Prekara |
| Es wird bescheinigt, daß dieses Lichibild eine vollständige Wiedergabe der Einfregungen im Handels - vereinwegisigt ist Hannover den Justizangestelle vertigen der Geschäftsstelle Ge-Aumisgenichts | Die Gesslachsfterversammlung von 24. Juni 2003 het die Anderweg des Gestälschaftspartrager in § 1 Abestri (Firma), § 3 Abestz i (Geschäftsjahr) und § 5 Absatz 2 (Erbringung des Stommkapitale) beschlessen. | Rachtsverhältnisse HRB |
| | b) Genellechaftbart beschlusp 81. 4 A Sdb. | a) Tag der Eintragung eind Unterzahrlit b) Bemerzungen |

| N | | No. Of Entry |
|---|---|---|
| | a) VARTA Automotive GmbH b) Hannover c) The fabrication, distribution and development of chemical, electrochemical, electrochemical, electrochemical, electrochemical and metallurgical as well as further industrial products of all kinds, especially of such products in the field of battery management systems as well as power storage, namely of VARTA-batteries, further the production and the distribution of products in the field of the machine and apparatus englneering as well as the production, installation, running or exploitation of plants and factories and the trading with foreign products in the above mentioned fields. Participation in other enterprises. | a) Company b) Place of Business c) Objects of Company |
| <u>EUR</u> | <u>25,000 EUR</u> | Original Stock or Nominal Capital DM |
| Watther Wever, Barsinghausen, born on October 31, 1955 | Dr. tech. Georg Prilhofer, Hannover, bom on June 11, 1937: Dr. Jur. Uwe Ganzer, Gehrden born on May 21, 1957 | Executive Board Personally Liable Partners Managing Directors Liquidators |
| Joint procuration: Dr. jur, Uwe F. H. Ganzer, Gehrden, born on May 21, 1957; Fritz Dürkop, Hannover, born on July 17, 1938; Dr. Wolfgang Fricke, Wunstorf, born on April 28, 1957; Hinrich Kose, Hannover, born on June 8, 1937; Dr. Eike Steinhäuser, Wedernark, born on January 22, 1941; Peter Faasch, Hildesheim, born on December 14, 1943; | | Procuration |
| The Increase of the nominal capital by 19,975,000.— Euro up to 20,000,000.— Euro and the rewording of the articles of partnership have been deckled on the partnership meeting on June 7, 2000. Dr. Uwe Ganzer is no longer managing director. Walther Waver has been appointed as managing director. The underlined parts are red coloured in the register. | Company with limited liability. The articles of partnership has been established on December 23, 1999 and modified in § 5 (nominal capital) on January 11, 2000. The company has one or more managing directors. If only one managing director is appointed, he is authorized to represent solely the company. If several managing directors are appointed, the company is represented jointly by two managing directors or by one managing director logeliher with an authorized signatory. A managing director can be authorized to contract legal transactions with himself (with himself or with himself as a representative of third parties) (relieving from the restrictions of § 181 BGB). Dr. Georg Priingfer and Dr. Uwe Genzer are relieved from the restrictions of & 181 BGB. | Legal Position |
| a) July 2000 Signature b) Articles of partnership, page f. special volumen | a) January 17, 2000 Signature b) Articles of partnership, pages 10 ft, special volumen Participation: AG (Joint Stock Company) Hannover HRA 26712 | a) Date of Entry and signature b) Remarks |

| | 0 | 60 | 7 | 60 | No. Of Entry |
|---|---|---|--|---|---|
| | | | | | a) Company b) Place of Business c) Objects of Company |
| | | | 20.000.500 € | | Original Stock or Nominal Capital DM |
| | | | | | Executive Board Procuration Personally Llable Partners Managing Directors Liquidators |
| | | | | The procuration for Hinrich Kose ceased to exist. | Procuration |
| NBT GmbH in Hannover (District Court, HRB 56542) VARTA Recycling GmbH in Hannover (District Court Hannover, HRB 55628). | Due to the contract of amalgamation of December 10, 2002, the company as overtaking company has been merged with the following transferred companies (amalgamation by incorporation according to § 2, no. 1, §§ 4 ff Conversion Law): | The modification of § 3 pars, 1 (financial year) of the articles of partnership has been decided on the partnership meeting of December 4, 2002. Dr. Georg Prilhofer is no longer managing director. | The increase of the nominal capital by 500,— Euro up to 20,000,500,— Euro and the modification of § 5 para. 1 (nominal capital) of the articles of partnership have been decided on the partnership meeting of October 25, 2002. | The modification of § 3 para, 1 (financial year) of the articles of partnership and further the rewording of the articles of partnership have been decided on the partnership meeting of August 27, 2002. | Legal Position |
| consent pages 85 ff, special volumen | b) January 20, 2003 b) Contracts of amalgamation and decision of | a) December 12, 2002 b) Decisions of partnership pages 70 ff special volumen | a) November 4, 2002 b) Decision of partnership pages 39 ff special volumen | a) September 2, 2002 Signature b) Decision of partnership, pages 17 ff, special volumen | a) Date of Entry and signature b) Remarks |

| 3 | No. Or Entry |
|--|---|
| | a) Company b) Place of Business c) Objects of Company |
| | Original Stock or Nominal Capital DM |
| | Executive Board Personally Liable Partners Managing Directors Liquidators |
| The procuration for Dr. Eike Steinhäuser ceased to exist. Joint procuration: DrIng. Frank Toubartz, Buchholz/Westerwald, born on July 20, 1962; Bernd Wegener, Hannover, born on November 20, 1954; Peter Sieger, Garbsen, born on February 10, 1942; Each represents jointly with one managing director or another authorized signatory the company. | Procuration |
| | Legal Position |
| a) March 13, 2003 | a) Date of Entry and signature b) Remarks |

| | ີ | No. Of Entry |
|---|--|---|
| | a) VARTA Automotive Systems GmbH | a) Company b) Place of Business c) Objects of Company |
| | | Original Stock or Nominat Capital |
| | | Executive Board Procuration Personally Llable Partners Managing Directors Liquidators |
| This is to certify that this copy is the complete reproduction of the registration in the comercial register. Hannover, October 31, 2003 Signature of the employee in the judicial administration of the District Court | | Procuration |
| | The change of the articles of partnership in § 1 para. 1 (company), § 3 para. 1 (fivancial year) and § 5 para. 2 (furnishing the original capital) on the general meeting of the company on June 24, 2003. | Legal Position |
| | a) 30 June 2003 Signature c) Decision of partnership page 4 ff, special volume | a) Date of Entry and signature b) Remarks |

This is to certify that the translation of this document from the German language is true and correct to my best knowledge and belief. Braunschweig, 14.11. 2003.